



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION**

PJ ONDECK,

Plaintiff,

vs.

MARTIN J. O'MALLEY, *Commissioner of  
the Social Security Administration,*  
Defendant.

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CIVIL ACTION NO. 0:23-4784-MGL

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**ORDER ADOPTING THE REPORT AND RECOMMENDATION,  
REVERSING DEFENDANT'S DECISION TO DENY BENEFITS,  
AND REMANDING THE CASE FOR AN AWARD OF BENEFITS**

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This is a Social Security appeal in which Plaintiff PJ Ondeck seeks judicial review of the final decision of Defendant Martin J. O'Malley, Commissioner of the Social Security (O'Malley), denying her claim for disability insurance benefits and supplemental security income. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting O'Malley's decision be reversed and this matter be remanded for an award of benefits. The Magistrate Judge filed the Report in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on July 31 2024, but O'Malley failed to file any objections to the Report. "[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. It is therefore the judgment of the Court O'Malley's decision is **REVERSED** and this matter is **REMANDED** for an award of benefits.

**IT IS SO ORDERED.**

Signed this 20th day of August, 2024, in Columbia, South Carolina.

/s/ Mary Geiger Lewis  
MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE